

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

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|--|---|----------------------------|
| ERIC MCGEE, |) | CASE NO. 4:13CV3084 |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | MEMORANDUM |
| |) | AND ORDER |
| ROBERT HOUSTON, Director of |) | |
| Department of Corrections for the |) | |
| State of Nebraska, |) | |
| |) | |
| Respondent. |) | |

This matter is before the court on Plaintiff's Motion for Reconsideration. (Filing No. [10](#).) The court dismissed this matter without prejudice on September 4, 2013, because Plaintiff failed to pay the \$5.00 filing fee in this matter. (Filing No. [8](#).) At the time of dismissal, there was no indication appearing on the Docket Sheet that the filing fee had been paid.

In Plaintiff's Motion for Reconsideration, he states that he paid the filing fee on June 17, 2013, and that this matter should not have been dismissed. (Filing No. [10](#).) The court has investigated Plaintiff's statement and finds that Plaintiff did, indeed, submit a filing fee payment of \$5.00 on June 17, 2013, but the payment was not docketed due to an administrative error. On October 30, 2013, the court updated its records to show that Plaintiff paid the filing fee. (See Docket Sheet.) In light of this administrative error, the court will grant Plaintiff's Motion and direct the clerk's office to reopen this matter.

IT IS THEREFORE ORDERED that: Plaintiff's Motion for Reconsideration (Filing No. [10](#)) is granted, and the clerk's office is directed to reopen this matter.

DATED this 5th day of November, 2013.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge

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